

SENATE SUBSTITUTE

FOR

SENATE COMMITTEE SUBSTITUTE

FOR

HOUSE COMMITTEE SUBSTITUTE

FOR

HOUSE BILL NO. 111

AN ACT

To repeal sections 144.032, 302.020, 302.321, 303.025, 311.325, 351.340, 452.340, 475.060, 475.061, 475.115, 477.650, 484.350, 523.040, 544.455, 544.470, 557.011, 566.086, 566.147, 568.040, 570.080, 578.150, and 589.040, RSMo, and to enact in lieu thereof fifty-three new sections relating to the judiciary, with penalty provisions, and an emergency clause for certain sections.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF MISSOURI,
AS FOLLOWS:

1 Section A. Sections 144.032, 302.020, 302.321, 303.025,
2 311.325, 351.340, 452.340, 475.060, 475.061, 475.115, 477.650,
3 484.350, 523.040, 544.455, 544.470, 557.011, 566.086, 566.147,
4 568.040, 570.080, 578.150, and 589.040, RSMo, are repealed and
5 fifty-three new sections enacted in lieu thereof, to be known as
6 sections 34.376, 34.378, 34.380, 144.032, 205.205, 221.025,
7 302.020, 302.321, 303.025, 311.325, 351.340, 452.340, 455.007,
8 475.060, 475.061, 475.115, 475.501, 475.502, 475.503, 475.504,
9 475.505, 475.506, 475.521, 475.522, 475.523, 475.524, 475.525,
10 475.526, 475.527, 475.528, 475.529, 475.531, 475.532, 475.541,
11 475.542, 475.543, 475.544, 475.551, 475.552, 475.555, 477.650,
12 484.350, 523.040, 544.455, 544.470, 557.011, 566.086, 566.147,

568.040, 570.080, 578.150, 589.040, and 632.312, to read as follows:

34.376. 1. Sections 34.376 to 34.380 may be known as the "Transparency in Private Attorney Contracts Act".

2. As used in sections 34.376 to 34.380, the following terms shall mean:

(1) "Government attorney", an attorney employed by the state as an assistant attorney general;

(2) "Private attorney", any private attorney or law firm;

(3) "State", the state of Missouri, in any action instituted by the attorney general pursuant to section 27.060.

34.378. 1. The state shall not enter into a contingency fee contract with a private attorney unless the attorney general makes a written determination prior to entering into such a contract that contingency fee representation is both cost-effective and in the public interest. Any written determination shall include specific findings for each of the following factors:

(1) Whether there exists sufficient and appropriate legal and financial resources within the attorney general's office to handle the matter;

(2) The time and labor required; the novelty, complexity, and difficulty of the questions involved; and the skill requisite to perform the attorney services properly;

(3) The geographic area where the attorney services are to be provided; and

(4) The amount of experience desired for the particular kind of attorney services to be provided and the nature of the

1 private attorney's experience with similar issues or cases.

2 2. If the attorney general makes the determination
3 described in subsection 1 of this section, the attorney general
4 shall request written proposals from private attorneys to
5 represent the state, unless the attorney general determines that
6 requesting proposals is not feasible under the circumstances and
7 sets forth the basis for this determination in writing. If a
8 request for proposals is issued, the attorney general shall
9 choose the lowest and best bid or request the office of
10 administration establish an independent panel to evaluate the
11 proposals and choose the lowest and best bid.

12 3. The state shall not enter into a contract for
13 contingency fee attorney services unless the following
14 requirements are met throughout the contract period and any
15 extensions to the contract:

16 (1) The government attorneys shall retain complete control
17 over the course and conduct of the case;

18 (2) A government attorney with supervisory authority shall
19 oversee the litigation;

20 (3) The government attorneys shall retain veto power over
21 any decisions made by outside counsel;

22 (4) A government attorney with supervisory authority for
23 the case shall attend all settlement conferences; and

24 (5) Decisions regarding settlement of the case shall be
25 reserved exclusively to the discretion of the attorney general.

26 4. The attorney general shall develop a standard addendum
27 to every contract for contingent fee attorney services that shall
28 be used in all cases, describing in detail what is expected of

1 both the contracted private attorney and the state, including,
2 without limitation, the requirements listed in subsection 4 of
3 this section.

4 5. Copies of any executed contingency fee contract and the
5 attorney general's written determination to enter into a
6 contingency fee contract with the private attorney shall be
7 posted on the attorney general's website for public inspection
8 within five business days after the date the contract is executed
9 and shall remain posted on the website for the duration of the
10 contingency fee contract, including any extensions or amendments
11 to the contract. Any payment of contingency fees shall be posted
12 on the attorney general's website within fifteen days after the
13 payment of such contingency fees to the private attorney and
14 shall remain posted on the website for at least three hundred
15 sixty-five days.

16 6. Any private attorney under contract to provide services
17 to the state on a contingency fee basis shall, from the inception
18 of the contract until at least four years after the contract
19 expires or is terminated, maintain detailed current records,
20 including documentation of all expenses, disbursements, charges,
21 credits, underlying receipts and invoices, and other financial
22 transactions that concern the provision of such attorney
23 services. The private attorney shall maintain detailed
24 contemporaneous time records for the attorneys and paralegals
25 working on the matter in increments of no greater than one tenth
26 of an hour and shall promptly provide these records to the
27 attorney general, upon request. Any request under chapter 610
28 for inspection and copying of such records shall be served upon

1 and responded to by the attorney general's office.

2 7. By February first of each year, the attorney general
3 shall submit a report to the president pro tem of the senate and
4 the speaker of the house of representatives describing the use of
5 contingency fee contracts with private attorneys in the preceding
6 calendar year. At a minimum, the report shall:

7 (1) Identify all new contingency fee contracts entered into
8 during the year and all previously executed contingency fee
9 contracts that remain current during any part of the year, and
10 for each contract describe:

11 (a) The name of the private attorney with whom the
12 department has contracted, including the name of the attorney's
13 law firm;

14 (b) The nature and status of the legal matter;

15 (c) The name of the parties to the legal matter;

16 (d) The amount of any recovery; and

17 (e) The amount of any contingency fee paid.

18 (2) Include copies of any written determinations made under
19 subsections 1 and 2 of this section.

20 34.380. Nothing in sections 34.376 to 34.380 shall be
21 construed to expand the authority of any state agency or state
22 agent to enter into contracts where no such authority previously
23 existed.

24 144.032. The provisions of section 144.030 to the contrary
25 notwithstanding, any city imposing a sales tax under the
26 provisions of sections 94.500 to 94.570, or any county imposing a
27 sales tax under the provisions of sections 66.600 to 66.635, or
28 any county imposing a sales tax under the provisions of sections

1 67.500 to 67.729, or any hospital district imposing a sales tax
2 under the provisions of section 205.205, may by ordinance impose
3 a sales tax upon all sales of metered water services,
4 electricity, electrical current and natural, artificial or
5 propane gas, wood, coal, or home heating oil for domestic use
6 only. Such tax shall be administered by the department of
7 revenue and assessed by the retailer in the same manner as any
8 other city [or], county, or hospital district sales tax.

9 Domestic use shall be determined in the same manner as the
10 determination of domestic use for exemption of such sales from
11 the state sales tax under the provisions of section 144.030.

12 205.205. 1. The governing body of any hospital district
13 established under sections 205.160 to 205.379 in any county of
14 the third classification without a township form of government
15 and with more than ten thousand six hundred but fewer than ten
16 thousand seven hundred inhabitants may, by resolution, abolish
17 the property tax authorized in such district under this chapter
18 and impose a sales tax on all retail sales made within the
19 district which are subject to sales tax under chapter 144 and all
20 sales of metered water services, electricity, electrical current
21 and natural, artificial or propane gas, wood, coal, or home
22 heating oil for domestic use only as provided under section
23 144.032. The tax authorized in this section shall be not more
24 than one percent, and shall be imposed solely for the purpose of
25 funding the hospital district. The tax authorized in this
26 section shall be in addition to all other sales taxes imposed by
27 law, and shall be stated separately from all other charges and
28 taxes.

1 2. No such resolution adopted under this section shall
2 become effective unless the governing body of the hospital
3 district submits to the voters residing within the district at a
4 state general, primary, or special election a proposal to
5 authorize the governing body of the district to impose a tax
6 under this section. If a majority of the votes cast on the
7 question by the qualified voters voting thereon are in favor of
8 the question, then the tax shall become effective on the first
9 day of the second calendar quarter after the director of revenue
10 receives notification of adoption of the local sales tax. If a
11 majority of the votes cast on the question by the qualified
12 voters voting thereon are opposed to the question, then the tax
13 shall not become effective unless and until the question is
14 resubmitted under this section to the qualified voters and such
15 question is approved by a majority of the qualified voters voting
16 on the question.

17 3. All revenue collected under this section by the director
18 of the department of revenue on behalf of the hospital district,
19 except for one percent for the cost of collection which shall be
20 deposited in the state's general revenue fund, shall be deposited
21 in a special trust fund, which is hereby created and shall be
22 known as the "Hospital District Sales Tax Fund", and shall be
23 used solely for the designated purposes. Moneys in the fund
24 shall not be deemed to be state funds, and shall not be
25 commingled with any funds of the state. The director may make
26 refunds from the amounts in the fund and credited to the district
27 for erroneous payments and overpayments made, and may redeem
28 dishonored checks and drafts deposited to the credit of such

1 district. Any funds in the special fund which are not needed for
2 current expenditures shall be invested in the same manner as
3 other funds are invested. Any interest and moneys earned on such
4 investments shall be credited to the fund.

5 4. The governing body of any hospital district that has
6 adopted the sales tax authorized in this section may submit the
7 question of repeal of the tax to the voters on any date available
8 for elections for the district. If a majority of the votes cast
9 on the question by the qualified voters voting thereon are in
10 favor of the repeal, that repeal shall become effective on
11 December thirty-first of the calendar year in which such repeal
12 was approved.

13 If a majority of the votes cast on the question by the qualified
14 voters voting thereon are opposed to the repeal, then the sales
15 tax authorized in this section shall remain effective until the
16 question is resubmitted under this section to the qualified
17 voters and the repeal is approved by a majority of the qualified
18 voters voting on the question.

19 5. Whenever the governing body of any hospital district
20 that has adopted the sales tax authorized in this section
21 receives a petition, signed by a number of registered voters of
22 the district equal to at least ten percent of the number of
23 registered voters of the district voting in the last
24 gubernatorial election, calling for an election to repeal the
25 sales tax imposed under this section, the governing body shall
26 submit to the voters of the district a proposal to repeal the
27 tax. If a majority of the votes cast on the question by the
28 qualified voters voting thereon are in favor of the repeal, the

1 repeal shall become effective on December thirty-first of the
2 calendar year in which such repeal was approved. If a majority
3 of the votes cast on the question by the qualified voters voting
4 thereon are opposed to the repeal, then the sales tax authorized
5 in this section shall remain effective until the question is
6 resubmitted under this section to the qualified voters and the
7 repeal is approved by a majority of the qualified voters voting
8 on the question.

9 6. If the tax is repealed or terminated by any means, all
10 funds remaining in the special trust fund shall continue to be
11 used solely for the designated purposes, and the hospital
12 district shall notify the director of the department of revenue
13 of the action at least ninety days before the effective date of
14 the repeal and the director may order retention in the trust
15 fund, for a period of one year, of two percent of the amount
16 collected after receipt of such notice to cover possible refunds
17 or overpayment of the tax and to redeem dishonored checks and
18 drafts deposited to the credit of such accounts. After one year
19 has elapsed after the effective date of abolition of the tax in
20 such district, the director shall remit the balance in the
21 account to the district and close the account of that district.
22 The director shall notify each district of each instance of any
23 amount refunded or any check redeemed from receipts due the
24 district.

25 221.025. 1. As an alternative to confinement, an
26 individual may be placed on electronic monitoring pursuant to
27 subsection 1 of section 544.455 or subsection 6 of section
28 557.011, with such terms and conditions as a court shall deem

1 just and appropriate under the circumstances.

2 2. A judge may, in his or her discretion, credit any such
3 period of electronic monitoring against any period of confinement
4 or incarceration ordered, however, electronic monitoring shall
5 not be considered to be in custody or incarceration for purposes
6 of eligibility for the MO HealthNet program, nor shall it be
7 considered confinement in a correctional center or private or
8 county jail for purposes of determining responsibility for the
9 individual's health care.

10 3. This section shall not authorize a court to place an
11 individual on electronic monitoring in lieu of the required
12 imprisonment, community service, or court ordered treatment
13 program involving community service, if that individual is a
14 prior, persistent, aggravated, or chronic offender sentenced
15 pursuant to section 577.023.

16 302.020. 1. Unless otherwise provided for by law, it shall
17 be unlawful for any person, except those expressly exempted by
18 section 302.080, to:

19 (1) Operate any vehicle upon any highway in this state
20 unless the person has a valid license;

21 (2) Operate a motorcycle or motortricycle upon any highway
22 of this state unless such person has a valid license that shows
23 the person has successfully passed an examination for the
24 operation of a motorcycle or motortricycle as prescribed by the
25 director. The director may indicate such upon a valid license
26 issued to such person, or shall issue a license restricting the
27 applicant to the operation of a motorcycle or motortricycle if
28 the actual demonstration, required by section 302.173, is

1 conducted on such vehicle;

2 (3) Authorize or knowingly permit a motorcycle or
3 motortricycle owned by such person or under such person's control
4 to be driven upon any highway by any person whose license does
5 not indicate that the person has passed the examination for the
6 operation of a motorcycle or motortricycle or has been issued an
7 instruction permit therefor;

8 (4) Operate a motor vehicle with an instruction permit or
9 license issued to another person.

10 2. Every person operating or riding as a passenger on any
11 motorcycle or motortricycle, as defined in section 301.010, upon
12 any highway of this state shall wear protective headgear at all
13 times the vehicle is in motion. The protective headgear shall
14 meet reasonable standards and specifications established by the
15 director.

16 3. Notwithstanding the provisions of section 302.340 any
17 person convicted of violating subdivision (1) or (2) of
18 subsection 1 of this section is guilty of a [class A]
19 misdemeanor. A first violation of subdivision (1) or (2) of
20 subsection 1 of this section shall be punishable by a fine not to
21 exceed three hundred dollars. A second violation of subdivision
22 (1) or (2) of subsection 1 of this section shall be punishable by
23 imprisonment in the county jail for a term not to exceed one year
24 and/or a fine not to exceed one thousand dollars. Any person
25 convicted a third or subsequent time of violating subdivision (1)
26 or (2) of subsection 1 of this section is guilty of a class D
27 felony. Notwithstanding the provisions of section 302.340,
28 violation of subdivisions (3) and (4) of subsection 1 of this

1 section is a [class C] misdemeanor, the first violation
2 punishable by a fine not to exceed three hundred dollars, a
3 second or subsequent violation of this section punishable as a
4 class C misdemeanor, and the penalty for failure to wear
5 protective headgear as required by subsection 2 of this section
6 is an infraction for which a fine not to exceed twenty-five
7 dollars may be imposed.

8
9 Notwithstanding all other provisions of law and court rules to
10 the contrary, no court costs shall be imposed upon any person due
11 to such violation. No points shall be assessed pursuant to
12 section 302.302 for a failure to wear such protective headgear.
13 Prior pleas of guilty and prior findings of guilty shall be
14 pleaded and proven in the same manner as required by section
15 558.021.

16 302.321. 1. A person commits the crime of driving while
17 revoked if such person operates a motor vehicle on a highway when
18 such person's license or driving privilege has been canceled,
19 suspended, or revoked under the laws of this state or any other
20 state and acts with criminal negligence with respect to knowledge
21 of the fact that such person's driving privilege has been
22 canceled, suspended, or revoked.

23 2. Any person convicted of driving while revoked is guilty
24 of a [class A] misdemeanor. A first violation of this section
25 shall be punishable by a fine not to exceed three hundred
26 dollars. A second or third violation of this section shall be
27 punishable by imprisonment in the county jail for a term not to
28 exceed one year and/or a fine not to exceed one thousand dollars.

1 Any person with no prior alcohol-related enforcement contacts as
2 defined in section 302.525, convicted a fourth or subsequent time
3 of driving while revoked or a county or municipal ordinance of
4 driving while suspended or revoked where the defendant was
5 represented by or waived the right to an attorney in writing, and
6 where the prior three driving-while-revoked offenses occurred
7 within ten years of the date of occurrence of the present
8 offense; and any person with a prior alcohol-related enforcement
9 contact as defined in section 302.525, convicted a third or
10 subsequent time of driving while revoked or a county or municipal
11 ordinance of driving while suspended or revoked where the
12 defendant was represented by or waived the right to an attorney
13 in writing, and where the prior two driving-while-revoked
14 offenses occurred within ten years of the date of occurrence of
15 the present offense and where the person received and served a
16 sentence of ten days or more on such previous offenses is guilty
17 of a class D felony. Except upon conviction as a first offense,
18 no court shall suspend the imposition of sentence as to such a
19 person nor sentence such person to pay a fine in lieu of a term
20 of imprisonment, nor shall such person be eligible for parole or
21 probation until such person has served a minimum of forty- eight
22 consecutive hours of imprisonment, unless as a condition of such
23 parole or probation, such person performs at least ten days
24 involving at least forty hours of community service under the
25 supervision of the court in those jurisdictions which have a
26 recognized program for community service. Driving while revoked
27 is a class D felony on the second or subsequent conviction
28 pursuant to section 577.010 or a fourth or subsequent conviction

1 for any other offense. Prior pleas of guilty and prior findings
2 of guilty shall be pleaded and proven in the same manner as
3 required by section 558.021.

4 303.025. 1. No owner of a motor vehicle registered in this
5 state, or required to be registered in this state, shall operate,
6 register or maintain registration of a motor vehicle, or permit
7 another person to operate such vehicle, unless the owner
8 maintains the financial responsibility which conforms to the
9 requirements of the laws of this state. No nonresident shall
10 operate or permit another person to operate in this state a motor
11 vehicle registered to such nonresident unless the nonresident
12 maintains the financial responsibility which conforms to the
13 requirements of the laws of the nonresident's state of residence.
14 Furthermore, no person shall operate a motor vehicle owned by
15 another with the knowledge that the owner has not maintained
16 financial responsibility unless such person has financial
17 responsibility which covers the person's operation of the other's
18 vehicle; however, no owner or nonresident shall be in violation
19 of this subsection if he or she fails to maintain financial
20 responsibility on a motor vehicle which is inoperable or being
21 stored and not in operation. The director may prescribe rules
22 and regulations for the implementation of this section.

23 2. A motor vehicle owner shall maintain the owner's
24 financial responsibility in a manner provided for in section
25 303.160, or with a motor vehicle liability policy which conforms
26 to the requirements of the laws of this state. A nonresident
27 motor vehicle owner shall maintain the owner's financial
28 responsibility which conforms to the requirements of the laws of

1 the nonresident's state of residence.

2 3. Any person who violates this section is guilty of a
3 [class C] misdemeanor. A first violation of this section shall
4 be punishable by a fine not to exceed three hundred dollars. A
5 second or subsequent violation of this section shall be
6 punishable by imprisonment in the county jail for a term not to
7 exceed fifteen days and/or a fine not to exceed three hundred
8 dollars. Prior pleas of guilty and prior findings of guilty
9 shall be pleaded and proven in the same manner as required by
10 section 558.021. However, no person shall be found guilty of
11 violating this section if the operator demonstrates to the court
12 that he or she met the financial responsibility requirements of
13 this section at the time the peace officer, commercial vehicle
14 enforcement officer or commercial vehicle inspector wrote the
15 citation. In addition to any other authorized punishment, the
16 court shall notify the director of revenue of any person
17 convicted pursuant to this section and shall do one of the
18 following:

19 (1) Enter an order suspending the driving privilege as of
20 the date of the court order. If the court orders the suspension
21 of the driving privilege, the court shall require the defendant
22 to surrender to it any driver's license then held by such person.
23 The length of the suspension shall be as prescribed in subsection
24 2 of section 303.042. The court shall forward to the director of
25 revenue the order of suspension of driving privilege and any
26 license surrendered within ten days;

27 (2) Forward the record of the conviction for an assessment
28 of four points;

1 (3) In lieu of an assessment of points, render an order of
2 supervision as provided in section 302.303. An order of
3 supervision shall not be used in lieu of points more than one
4 time in any thirty-six-month period. Every court having
5 jurisdiction pursuant to the provisions of this section shall
6 forward a record of conviction to the Missouri state highway
7 patrol, or at the written direction of the Missouri state highway
8 patrol, to the department of revenue, in a manner approved by the
9 director of the department of public safety. The director shall
10 establish procedures for the record keeping and administration of
11 this section; or

12 (4) For a nonresident, suspend the nonresident's driving
13 privileges in this state in accordance with section 303.030 and
14 notify the official in charge of the issuance of licenses and
15 registration certificates in the state in which such nonresident
16 resides in accordance with section 303.080.

17 4. Nothing in sections 303.010 to 303.050, 303.060,
18 303.140, 303.220, 303.290, 303.330 and 303.370 shall be construed
19 as prohibiting the department of insurance, financial
20 institutions and professional registration from approving or
21 authorizing those exclusions and limitations which are contained
22 in automobile liability insurance policies and the uninsured
23 motorist provisions of automobile liability insurance policies.

24 5. If a court enters an order of suspension, the offender
25 may appeal such order directly pursuant to chapter 512 and the
26 provisions of section 302.311 shall not apply.

27 311.325. 1. Any person under the age of twenty-one years,
28 who purchases or attempts to purchase, or has in his or her

1 possession, any intoxicating liquor as defined in section 311.020
2 or who is visibly in an intoxicated condition as defined in
3 section 577.001, or has a detectable blood alcohol content of
4 more than two-hundredths of one percent or more by weight of
5 alcohol in such person's blood is guilty of a misdemeanor. A
6 first violation of this section shall be punishable by a fine not
7 to exceed three hundred dollars. A second or subsequent
8 violation of this section shall be punishable by imprisonment in
9 the county jail for a term not to exceed one year and/or a fine
10 not to exceed one thousand dollars. Prior pleas of guilty and
11 prior findings of guilty shall be pleaded and proven in the same
12 manner as required by section 558.021. For purposes of
13 prosecution under this section or any other provision of this
14 chapter involving an alleged illegal sale or transfer of
15 intoxicating liquor to a person under twenty-one years of age, a
16 manufacturer-sealed container describing that there is
17 intoxicating liquor therein need not be opened or the contents
18 therein tested to verify that there is intoxicating liquor in
19 such container. The alleged violator may allege that there was
20 not intoxicating liquor in such container, but the burden of
21 proof of such allegation is on such person, as it shall be
22 presumed that such a sealed container describing that there is
23 intoxicating liquor therein contains intoxicating liquor.

24 2. For purposes of determining violations of any provision
25 of this chapter, or of any rule or regulation of the supervisor
26 of alcohol and tobacco control, a manufacturer- sealed container
27 describing that there is intoxicating liquor therein need not be
28 opened or the contents therein tested to verify that there is

1 intoxicating liquor in such container. The alleged violator may
2 allege that there was not intoxicating liquor in such container,
3 but the burden of proof of such allegation is on such person, as
4 it shall be presumed that such a sealed container describing that
5 there is intoxicating liquor therein contains intoxicating
6 liquor.

7 3. Any person under the age of twenty-one years who
8 purchases or attempts to purchase, or has in his or her
9 possession, any intoxicating liquor, or who is visibly in an
10 intoxicated condition as defined in section 577.001, shall be
11 deemed to have given consent to a chemical test or tests of the
12 person's breath, blood, saliva, or urine for the purpose of
13 determining the alcohol or drug content of the person's blood.
14 The implied consent to submit to the chemical tests listed in
15 this subsection shall be limited to not more than two such tests
16 arising from the same arrest, incident, or charge. Chemical
17 analysis of the person's breath, blood, saliva, or urine shall be
18 performed according to methods approved by the state department
19 of health and senior services by licensed medical personnel or by
20 a person possessing a valid permit issued by the state department
21 of health and senior services for this purpose. The state
22 department of health and senior services shall approve
23 satisfactory techniques, devices, equipment, or methods to be
24 considered valid and shall establish standards to ascertain the
25 qualifications and competence of individuals to conduct analyses
26 and to issue permits which shall be subject to termination or
27 revocation by the state department of health and senior services.
28 The person tested may have a physician, or a qualified

1 technician, chemist, registered nurse, or other qualified person
2 at the choosing and expense of the person to be tested,
3 administer a test in addition to any administered at the
4 direction of a law enforcement officer. The failure or inability
5 to obtain an additional test by a person shall not preclude the
6 admission of evidence relating to the test taken at the direction
7 of a law enforcement officer. Upon the request of the person who
8 is tested, full information concerning the test shall be made
9 available to such person. Full information is limited to the
10 following:

11 (1) The type of test administered and the procedures
12 followed;

13 (2) The time of the collection of the blood or breath
14 sample or urine analyzed;

15 (3) The numerical results of the test indicating the
16 alcohol content of the blood and breath and urine;

17 (4) The type and status of any permit which was held by the
18 person who performed the test;

19 (5) If the test was administered by means of a breath-
20 testing instrument, the date of performance of the most recent
21 required maintenance of such instrument. Full information does
22 not include manuals, schematics, or software of the instrument
23 used to test the person or any other material that is not in the
24 actual possession of the state. Additionally, full information
25 does not include information in the possession of the
26 manufacturer of the test instrument.

27 4. The provisions of this section shall not apply to a
28 student who:

1 (1) Is eighteen years of age or older;
2 (2) Is enrolled in an accredited college or university and
3 is a student in a culinary course;

4 (3) Is required to taste, but not consume or imbibe, any
5 beer, ale, porter, wine, or other similar malt or fermented
6 beverage as part of the required curriculum; and

7 (4) Tastes a beverage under subdivision (3) of this
8 subsection only for instructional purposes during classes that
9 are part of the curriculum of the accredited college or
10 university. The beverage must at all times remain in the
11 possession and control of an authorized instructor of the college
12 or university, who must be twenty-one years of age or older.
13 Nothing in this subsection may be construed to allow a student
14 under the age of twenty-one to receive any beer, ale, porter,
15 wine, or other similar malt or fermented beverage unless the
16 beverage is delivered as part of the student's required
17 curriculum and the beverage is used only for instructional
18 purposes during classes conducted as part of the curriculum.

19 351.340. 1. Regular meetings of the board of directors may
20 be held with or without notice as the bylaws may prescribe.
21 Special meetings of the board of directors shall be held upon
22 such notice as the bylaws may prescribe. Attendance of a
23 director at any meeting shall constitute a waiver of notice of
24 the meeting except where a director attends a meeting for the
25 express purpose of objecting to the transaction of any business
26 because the meeting is not lawfully called or convened. Neither
27 the business to be transacted at, nor the purpose of, any regular
28 meeting of the board of directors need be specified in the notice

1 or waiver of notice of the meeting.

2 2. Any action which is required to be or may be taken at a
3 meeting of the directors, or of the executive committee or any
4 other committee of the directors, may be taken without a meeting
5 if [consents in writing], setting forth the action so taken, [are
6 signed by] all of the members of the board or of the committee as
7 the case may be, consent thereto in writing or by electronic
8 transmission. The consents shall have the same force and effect
9 as a unanimous vote at a meeting duly held, and may be stated as
10 such in any certificate or document filed under this chapter.
11 The secretary shall file the [consents] writing or writings or
12 electronic transmission or transmissions with the minutes of the
13 meetings of the board of directors or of the committee as the
14 case may be. Such filing shall be in paper form if the minutes
15 are maintained in paper form and shall be in electronic form if
16 the minutes are maintained in electronic form. "Electronic
17 transmission" for purposes of this section shall be as defined in
18 subdivision (2) of subsection 5 of section 351.245.

19 452.340. 1. In a proceeding for dissolution of marriage,
20 legal separation or child support, the court may order either or
21 both parents owing a duty of support to a child of the marriage
22 to pay an amount reasonable or necessary for the support of the
23 child, including an award retroactive to the date of filing the
24 petition, without regard to marital misconduct, after considering
25 all relevant factors including:

- 26 (1) The financial needs and resources of the child;
27 (2) The financial resources and needs of the parents;
28 (3) The standard of living the child would have enjoyed had

1 the marriage not been dissolved;

2 (4) The physical and emotional condition of the child, and
3 the child's educational needs;

4 (5) The child's physical and legal custody arrangements,
5 including the amount of time the child spends with each parent
6 and the reasonable expenses associated with the custody or
7 visitation arrangements; and

8 (6) The reasonable work-related child care expenses of each
9 parent.

10 2. The obligation of the parent ordered to make support
11 payments shall abate, in whole or in part, for such periods of
12 time in excess of thirty consecutive days that the other parent
13 has voluntarily relinquished physical custody of a child to the
14 parent ordered to pay child support, notwithstanding any periods
15 of visitation or temporary physical and legal or physical or
16 legal custody pursuant to a judgment of dissolution or legal
17 separation or any modification thereof. In a IV-D case, the
18 family support division may determine the amount of the abatement
19 pursuant to this subsection for any child support order and shall
20 record the amount of abatement in the automated child support
21 system record established pursuant to chapter 454. If the case
22 is not a IV-D case and upon court order, the circuit clerk shall
23 record the amount of abatement in the automated child support
24 system record established in chapter 454.

25 3. Unless the circumstances of the child manifestly dictate
26 otherwise and the court specifically so provides, the obligation
27 of a parent to make child support payments shall terminate when
28 the child:

1 (1) Dies;

2 (2) Marries;

3 (3) Enters active duty in the military;

4 (4) Becomes self-supporting, provided that the custodial

5 parent has relinquished the child from parental control by

6 express or implied consent;

7 (5) Reaches age eighteen, unless the provisions of

8 subsection 4 or 5 of this section apply; or

9 (6) Reaches age twenty-one, unless the provisions of the

10 child support order specifically extend the parental support

11 order past the child's twenty-first birthday for reasons provided

12 by subsection 4 of this section.

13 4. If the child is physically or mentally incapacitated

14 from supporting himself and insolvent and unmarried, the court

15 may extend the parental support obligation past the child's

16 eighteenth birthday.

17 5. If when a child reaches age eighteen, the child is

18 enrolled in and attending a secondary school program of

19 instruction, the parental support obligation shall continue, if

20 the child continues to attend and progresses toward completion of

21 said program, until the child completes such program or reaches

22 age twenty-one, whichever first occurs. If the child is enrolled

23 in an institution of vocational or higher education not later

24 than October first following graduation from a secondary school

25 or completion of a graduation equivalence degree program and so

26 long as the child enrolls for and completes at least twelve hours

27 of credit each semester, not including the summer semester, at an

28 institution of vocational or higher education and achieves grades

1 sufficient to reenroll at such institution, the parental support
2 obligation shall continue until the child completes his or her
3 education, or until the child reaches the age of twenty-one,
4 whichever first occurs. To remain eligible for such continued
5 parental support, at the beginning of each semester the child
6 shall submit to each parent a transcript or similar official
7 document provided by the institution of vocational or higher
8 education which includes the courses the child is enrolled in and
9 has completed for each term, the grades and credits received for
10 each such course, and an official document from the institution
11 listing the courses which the child is enrolled in for the
12 upcoming term and the number of credits for each such course.
13 When enrolled in at least twelve credit hours, if the child
14 receives failing grades in half or more of his or her courseload
15 in any one semester, payment of child support may be terminated
16 and shall not be eligible for reinstatement. Upon request for
17 notification of the child's grades by the noncustodial parent,
18 the child shall produce the required documents to the
19 noncustodial parent within thirty days of receipt of grades from
20 the education institution. If the child fails to produce the
21 required documents, payment of child support may terminate
22 without the accrual of any child support arrearage and shall not
23 be eligible for reinstatement. If the circumstances of the child
24 manifestly dictate, the court may waive the October first
25 deadline for enrollment required by this subsection. If the
26 child is enrolled in such an institution, the child or parent
27 obligated to pay support may petition the court to amend the
28 order to direct the obligated parent to make the payments

1 directly to the child. As used in this section, an "institution
2 of vocational education" means any postsecondary training or
3 schooling for which the student is assessed a fee and attends
4 classes regularly. "Higher education" means any community
5 college, college, or university at which the child attends
6 classes regularly. A child who has been diagnosed with a
7 developmental disability, as defined in section 630.005, or whose
8 physical disability or diagnosed health problem limits the
9 child's ability to carry the number of credit hours prescribed in
10 this subsection, shall remain eligible for child support so long
11 as such child is enrolled in and attending an institution of
12 vocational or higher education, and the child continues to meet
13 the other requirements of this subsection. A child who is
14 employed at least fifteen hours per week during the semester may
15 take as few as nine credit hours per semester and remain eligible
16 for child support so long as all other requirements of this
17 subsection are complied with.

18 6. The court shall consider ordering a parent to waive the
19 right to claim the tax dependency exemption for a child enrolled
20 in an institution of vocational or higher education in favor of
21 the other parent if the application of state and federal tax laws
22 and eligibility for financial aid will make an award of the
23 exemption to the other parent appropriate.

24 7. The general assembly finds and declares that it is the
25 public policy of this state that frequent, continuing and
26 meaningful contact with both parents after the parents have
27 separated or dissolved their marriage is in the best interest of
28 the child except for cases where the court specifically finds

1 that such contact is not in the best interest of the child. In
2 order to effectuate this public policy, a court with jurisdiction
3 shall enforce visitation, custody and child support orders in the
4 same manner. A court with jurisdiction may abate, in whole or in
5 part, any past or future obligation of support and may transfer
6 the physical and legal or physical or legal custody of one or
7 more children if it finds that a parent has, without good cause,
8 failed to provide visitation or physical and legal or physical or
9 legal custody to the other parent pursuant to the terms of a
10 judgment of dissolution, legal separation or modifications
11 thereof. The court shall also award, if requested and for good
12 cause shown, reasonable expenses, attorney's fees and court costs
13 incurred by the prevailing party.

14 8. The Missouri supreme court shall have in effect a rule
15 establishing guidelines by which any award of child support shall
16 be made in any judicial or administrative proceeding. Said
17 guidelines shall contain specific, descriptive and numeric
18 criteria which will result in a computation of the support
19 obligation. The guidelines shall address how the amount of child
20 support shall be calculated when an award of joint physical
21 custody results in the child or children spending equal or
22 substantially equal time with both parents and the directions and
23 comments and any tabular representations of the directions and
24 comments for completion of the child support guidelines or what
25 is referred to as "Form No. 14" or any subsequent form developed
26 to reflect the guidelines, shall reflect the ability to obtain up
27 to a fifty percent adjustment or credit below the basic child
28 support amount for joint physical custody or visitation as

1 described in subsection 11 of this section. The Missouri supreme
2 court shall publish child support guidelines and specifically
3 list and explain the relevant factors and assumptions that were
4 used to calculate the child support guidelines. Any rule made
5 pursuant to this subsection shall be reviewed by the promulgating
6 body not less than once every four years to ensure that its
7 application results in the determination of appropriate child
8 support award amounts.

9 9. There shall be a rebuttable presumption, in any judicial
10 or administrative proceeding for the award of child support, that
11 the amount of the award which would result from the application
12 of the guidelines established pursuant to subsection 8 of this
13 section is the correct amount of child support to be awarded. A
14 written finding or specific finding on the record in a judicial
15 or administrative proceeding that the application of the
16 guidelines would be unjust or inappropriate in a particular case,
17 after considering all relevant factors, including the factors set
18 out in subsection 1 of this section, is required if requested by
19 a party and shall be sufficient to rebut the presumption in the
20 case. The written finding or specific finding on the record
21 shall detail the specific relevant factors that required a
22 deviation from the application of the guidelines.

23 10. Pursuant to this or any other chapter, when a court
24 determines the amount owed by a parent for support provided to a
25 child by another person, other than a parent, prior to the date
26 of filing of a petition requesting support, or when the director
27 of the family support division establishes the amount of state
28 debt due pursuant to subdivision (2) of subsection 1 of section

1 454.465, the court or director shall use the guidelines
2 established pursuant to subsection 8 of this section. The amount
3 of child support resulting from the application of the guidelines
4 shall be applied retroactively for a period prior to the
5 establishment of a support order and the length of the period of
6 retroactivity shall be left to the discretion of the court or
7 director. There shall be a rebuttable presumption that the
8 amount resulting from application of the guidelines under
9 subsection 8 of this section constitutes the amount owed by the
10 parent for the period prior to the date of the filing of the
11 petition for support or the period for which state debt is being
12 established. In applying the guidelines to determine a
13 retroactive support amount, when information as to average
14 monthly income is available, the court or director may use the
15 average monthly income of the noncustodial parent, as averaged
16 over the period of retroactivity, in determining the amount of
17 presumed child support owed for the period of retroactivity. The
18 court or director may enter a different amount in a particular
19 case upon finding, after consideration of all relevant factors,
20 including the factors set out in subsection 1 of this section,
21 that there is sufficient cause to rebut the presumed amount.

22 11. The court shall award child support in an amount that
23 provides up to a fifty percent adjustment below the basic child
24 support amount authorized by the child support guidelines
25 described under subsection 8 of this section for custody awards
26 of joint physical custody where the child or children spend equal
27 or substantially equal time with both parents.

28 12. The obligation of a parent to make child support

1 payments may be terminated as follows:

2 (1) Provided that the state case registry or child support
3 order contains the child's date of birth, the obligation shall be
4 deemed terminated without further judicial or administrative
5 process when the child reaches age twenty-one if the child
6 support order does not specifically require payment of child
7 support beyond age twenty-one for reasons provided by subsection
8 4 of this section;

9 (2) The obligation shall be deemed terminated without
10 further judicial or administrative process when the parent
11 receiving child support furnishes a sworn statement or affidavit
12 notifying the obligor parent of the child's emancipation in
13 accordance with the requirements of subsection 4 of section
14 452.370, and a copy of such sworn statement or affidavit is filed
15 with the court which entered the order establishing the child
16 support obligation, or the family support division for an order
17 entered under section 454.470;

18 (3) The obligation shall be deemed terminated without
19 further judicial or administrative process when the parent paying
20 child support files a sworn statement or affidavit with the court
21 which entered the order establishing the child support
22 obligation, or the family support division for an order entered
23 under section 454.470, stating that the child is emancipated and
24 reciting the factual basis for such statement; which statement or
25 affidavit is served by the court or division, as applicable, on
26 the child support obligee; and which is either acknowledged and
27 affirmed by the child support obligee in writing, or which is not
28 responded to in writing within thirty days of receipt by the

1 child support obligee;

2 (4) The obligation shall be terminated as provided by this
3 subdivision by the court which entered the order establishing the
4 child support obligation, or the family support division for an
5 order entered under section 454.470, when the parent paying child
6 support files a sworn statement or affidavit with the court which
7 entered the order establishing the child support obligation, or
8 the family support division, as applicable, stating that the
9 child is emancipated and reciting the factual basis for such
10 statement; and which statement or affidavit is served by the
11 court or division, as applicable, on the child support obligee.
12 If the obligee denies the statement or affidavit, the court or
13 division shall thereupon treat the sworn statement or affidavit
14 as a request for hearing and shall proceed to hear and adjudicate
15 such request for hearing as provided by law; provided that the
16 court may require the payment of a deposit as security for court
17 costs and any accrued court costs, as provided by law, in
18 relation to such request for hearing. When the division receives
19 a request for hearing, the hearing shall be held in the manner
20 provided by section 454.475.

21 [12.] 13. The court may enter a judgment terminating child
22 support pursuant to subdivisions (1) to (3) of subsection [11] 12
23 of this section without necessity of a court appearance by either
24 party. The clerk of the court shall mail a copy of a judgment
25 terminating child support entered pursuant to subsection [11] 12
26 of this section on both the obligor and obligee parents. The
27 supreme court may promulgate uniform forms for sworn statements
28 and affidavits to terminate orders of child support obligations

1 for use pursuant to subsection [11] 12 of this section and
2 subsection 4 of section 452.370.

3 455.007. Notwithstanding any other provision of law to the
4 contrary, the public interest exception to the mootness doctrine
5 shall apply to an appeal of a full order of protection which:

6 (1) Has expired; and

7 (2) Subjects the person against whom such order is issued
8 to significant collateral consequences by the mere existence of
9 such full order of protection after its expiration.

10 475.060. 1. Any person may file a petition for the
11 appointment of himself or herself or some other qualified person
12 as guardian of a minor [or guardian of an incapacitated person].
13 Such petition shall state:

14 (1) The name, age, domicile, actual place of residence and
15 post office address of the minor [or incapacitated person] if
16 known and if any of these facts is unknown, the efforts made to
17 ascertain that fact;

18 (2) The estimated value of [his] the minor's real and
19 personal property, and the location and value of any real
20 property owned by the minor outside of this state;

21 (3) If the minor [or incapacitated person] has no domicile
22 or place of residence in this state, the county in which the
23 property or major part thereof of the minor [or incapacitated
24 person] is located;

25 (4) The name and address of the parents of the minor [or
26 incapacitated person] and whether they are living or dead;

27 (5) The name and address of the spouse, and the names, ages
28 and addresses of all living children of the minor [or

1 incapacitated person];

2 (6) The name and address of the person having custody of
3 the person of the minor [or incapacitated person];

4 (7) The name and address of any guardian of the person or
5 conservator of the estate of the minor [or incapacitated person]
6 appointed in this or any other state;

7 (8) If appointment is sought for a natural person, other
8 than the public administrator, the names and addresses of wards
9 and disabled persons for whom such person is already guardian or
10 conservator;

11 (9) [In the case of an incapacitated person, the fact that
12 the person for whom guardianship is sought is unable by reason of
13 some specified physical or mental condition to receive and
14 evaluate information or to communicate decisions to such an
15 extent that the person lacks capacity to meet essential
16 requirements for food, clothing, shelter, safety or other care
17 such that serious physical injury, illness or disease is likely
18 to occur] The name and address of the trustees and the purpose
19 of any trust of which the minor is a qualified beneficiary;

20 (10) The reasons why the appointment of a guardian is
21 sought;

22 (11) A petition for the appointment of a guardian of a
23 minor may be filed for the sole and specific purpose of school
24 registration or medical insurance coverage. Such a petition
25 shall clearly set out this limited request and shall not be
26 combined with a petition for conservatorship.

27 2. Any person may file a petition for the appointment of
28 himself or herself or some other qualified person as guardian of

1 an incapacitated person. Such petition shall state:

2 (1) If known, the name, age, domicile, actual place of
3 residence, and post office address of the alleged incapacitated
4 person, and for the period of three years before the filing of
5 the petition, the most recent addresses, up to three, at which
6 the alleged incapacitated person lived prior to the most recent
7 address, and if any of these facts is unknown, the efforts made
8 to ascertain that fact. In the case of a petition filed by a
9 public official in his or her official capacity, the information
10 required by this subdivision need only be supplied to the extent
11 it is reasonably available to the petitioner;

12 (2) The estimated value of the alleged incapacitated
13 person's real and personal property, and the location and value
14 of any real property owned by the alleged incapacitated person
15 outside of this state;

16 (3) If the alleged incapacitated person has no domicile or
17 place of residence in this state, the county in which the
18 property or major part thereof of the alleged incapacitated
19 person is located;

20 (4) The name and address of the parents of the alleged
21 incapacitated person and whether they are living or dead;

22 (5) The name and address of the spouse, the names, ages,
23 and addresses of all living children of the alleged incapacitated
24 person, the names and addresses of the alleged incapacitated
25 person's closest known relatives, and the names and relationship,
26 if known, of any adults living with the alleged incapacitated
27 person; if no spouse, adult child, or parent is listed, the names
28 and addresses of the siblings and children of deceased siblings

1 of the alleged incapacitated person; the name and address of any
2 agent appointed by the alleged incapacitated person in any
3 durable power of attorney, and of the presently acting trustees
4 of any trust of which the alleged incapacitated person is the
5 grantor or is a qualified beneficiary or is or was the trustee or
6 co-trustee and the purpose of the power of attorney or trust;

7 (6) The name and address of the person having custody of
8 the person of the alleged incapacitated person;

9 (7) The name and address of any guardian of the person or
10 conservator of the estate of the alleged incapacitated person
11 appointed in this or any other state;

12 (8) If appointment is sought for a natural person, other
13 than the public administrator, the names and addresses of wards
14 and disabled persons for whom such person is already guardian or
15 conservator;

16 (9) The fact that the person for whom guardianship is
17 sought is unable by reason of some specified physical or mental
18 condition to receive and evaluate information or to communicate
19 decisions to such an extent that the person lacks capacity to
20 meet essential requirements for food, clothing, shelter, safety,
21 or other care such that serious physical injury, illness, or
22 disease is likely to occur;

23 (10) The reasons why the appointment of a guardian is
24 sought.

25 475.061. 1. Any person may file a petition in the probate
26 division of the circuit court of the county of proper venue for
27 the appointment of himself or some other qualified person as
28 conservator of the estate of a minor or disabled person. The

petition shall contain the same allegations as are set forth in subdivisions (1), (8), and (10) of subsection 2 of section 475.060 with respect to the appointment of a guardian for an incapacitated person and, in addition thereto, an allegation that the respondent is unable by reason of some specific physical or mental condition to receive and evaluate information or to communicate decisions to such an extent that the respondent lacks ability to manage his financial resources or that the respondent is under the age of eighteen years.

2. A petition for appointment of a conservator or limited conservator of the estate may be combined with a petition for appointment of a guardian or limited guardian of the person. In such a combined petition allegations need not be repeated.

475.115. 1. When a guardian or conservator dies, is removed by order of the court, or resigns and his or her resignation is accepted by the court, the court shall have the same authority as it has in like cases over personal representatives and their sureties and may appoint another guardian or conservator in the same manner and subject to the same requirements as are herein provided for an original appointment of a guardian or conservator.

2. A public administrator may request transfer of any case to the jurisdiction of another county by filing a petition for transfer. If the receiving county meets the venue requirements of section 475.035 and the public administrator of the receiving county consents to the transfer, the court shall transfer the case. The court with jurisdiction over the receiving county shall, without the necessity of any hearing as required by

1 section 475.075, appoint the public administrator of the
2 receiving county as successor guardian and/or successor
3 conservator and issue letters therein. In the case of a
4 conservatorship, the final settlement of the public
5 administrator's conservatorship shall be filed within thirty days
6 of the court's transfer of the case, in the court with
7 jurisdiction over the original conservatorship, and forwarded to
8 the receiving county upon audit and approval.

9 ARTICLE 1

10 GENERAL PROVISIONS

11 475.501. Sections 475.501 to 475.555 may be cited as the
12 "Uniform Adult Guardianship and Protective Proceedings
13 Jurisdiction Act".

14 475.502. Notwithstanding the definitions in section
15 475.010, when used in sections 475.501 to 475.555, the following
16 terms mean:

17 (1) "Adult", an individual who has attained eighteen years
18 of age;

19 (2) "Conservator", a person appointed by the court to
20 administer the property of an adult, including a person appointed
21 under this chapter;

22 (3) "Guardian", a person appointed by the court to make
23 decisions regarding the person of an adult, including a person
24 appointed under this chapter;

25 (4) "Guardianship order", an order appointing a guardian;

26 (5) "Guardianship proceeding", a proceeding in which an
27 order for the appointment of a guardian is sought or has been
28 issued;

1 (6) "Incapacitated person", an adult for whom a guardian
2 has been appointed;

3 (7) "Party", the respondent, petitioner, guardian,
4 conservator, or any other person allowed by the court to
5 participate in a guardianship or protective proceeding;

6 (8) "Person", except in the term "incapacitated person" or
7 "protected person", an individual, corporation, business trust,
8 estate, trust, partnership, limited liability company,
9 association, joint venture, public corporation, government or
10 governmental subdivision, agency, or instrumentality, or any
11 other legal or commercial entity;

12 (9) "Protected person", an adult for whom a protective
13 order has been issued;

14 (10) "Protective order", an order appointing a conservator
15 or other order related to management of an adult's property;

16 (11) "Protective proceeding", a judicial proceeding in
17 which a protective order is sought or has been issued;

18 (12) "Record", information that is inscribed on a tangible
19 medium or that is stored in an electronic or other medium and is
20 retrievable in perceivable form;

21 (13) "Respondent", an adult for whom a protective order or
22 the appointment of a guardian is sought;

23 (14) "State", a state of the United States, the District of
24 Columbia, Puerto Rico, the United States Virgin Islands, a
25 federally recognized Indian tribe, or any territory or insular
26 possession subject to the jurisdiction of the United States.

27 475.503. A court of this state may treat a foreign country
28 as if it were a state for the purpose of applying this article

1 and articles 2, 3, and 5.

2 475.504. 1. A court of this state may communicate with a
3 court in another state concerning a proceeding arising under
4 sections 475.501 to 475.555. The court may allow the parties to
5 participate in the communication. Except as otherwise provided
6 in subsection 2 of this section, the court shall make a record of
7 the communication. The record may be limited to the fact that
8 the communication occurred.

9 2. Courts may communicate concerning schedules, calendars,
10 court records, and other administrative matters without making a
11 record.

12 475.505. 1. In a guardianship or protective proceeding in
13 this state, a court of this state may request the appropriate
14 court of another state to:

15 (1) Hold an evidentiary hearing;

16 (2) Order a person in that state to produce evidence or
17 give testimony pursuant to procedures of that state;

18 (3) Order that an evaluation or assessment be made of the
19 respondent;

20 (4) Order any appropriate investigation of a person
21 involved in a proceeding;

22 (5) Forward to the court of this state a certified copy of
23 the transcript or other record of a hearing under subdivision (1)
24 of subsection 1 of this section or any other proceeding, any
25 evidence otherwise produced under subdivision (2) of subsection 1
26 of this section, and any evaluation or assessment prepared in
27 compliance with an order under subdivisions (3) and (4) of
28 subsection 1 of this section;

1 (6) Issue any order necessary to assure the appearance in
2 the proceeding of a person whose presence is necessary for the
3 court to make a determination, including the respondent or the
4 incapacitated or protected person;

5 (7) Issue an order authorizing the release of medical,
6 financial, criminal, or other relevant information in that state,
7 including protected health information as defined in 45 CFR
8 160.103, as amended.

9 2. If a court of another state in which a guardianship or
10 protective proceeding is pending requests assistance of the kind
11 provided in subsection 1 of this section, a court of this state
12 has jurisdiction for the limited purpose of granting the request
13 or making reasonable efforts to comply with the request.

14 475.506. 1. In a guardianship or protective proceeding, in
15 addition to other procedures that may be available, testimony of
16 a witness who is located in another state may be offered by
17 deposition or other means allowable in this state for testimony
18 taken in another state. The court on its own motion may order
19 that the testimony of a witness be taken in another state and may
20 prescribe the manner in which and the terms upon which the
21 testimony is to be taken.

22 2. In a guardianship or protective proceeding, a court in
23 this state may permit a witness located in another state to be
24 deposed or to testify by telephone or audiovisual or other
25 electronic means. A court of this state shall cooperate with
26 court of the other state in designating an appropriate location
27 for the deposition or testimony.

28 3. Documentary evidence transmitted from another state to a

1 court of this state by technological means that do not produce an
2 original writing may not be excluded from evidence on an
3 objection based on the best evidence rule.

4 ARTICLE 2

5 JURISDICTION

6 475.521. 1. In this article, the following terms mean:

7 (1) "Emergency", a circumstance that likely will result in
8 substantial harm to a respondent's health, safety, or welfare,
9 and for which the appointment of a guardian is necessary because
10 no other person has authority and is willing to act on the
11 respondent's behalf;

12 (2) "Home state", the state in which the respondent was
13 physically present, including any period of temporary absence,
14 for at least six consecutive months immediately before the filing
15 of a petition for a protective order or the appointment of a
16 guardian; or if none, the state in which the respondent was
17 physically present, including any period of temporary absence,
18 for at least six consecutive months ending within the six months
19 prior to the filing of the petition;

20 (3) "Significant-connection state", a state, other than the
21 home state, with which a respondent has a significant connection
22 other than mere physical presence and in which substantial
23 evidence concerning the respondent is available.

24 2. In determining under section 475.523 and subsection 5 of
25 section 475.531 whether a respondent has a significant connection
26 with a particular state, the court shall consider:

27 (1) The location of the respondent's family and other
28 persons required to be notified of the guardianship or protective

1 proceeding;

2 (2) The length of time the respondent at any time was
3 physically present in the state and the duration of any absence;

4 (3) The location of the respondent's property; and

5 (4) The extent to which the respondent has ties to the
6 state such as voting registration, state or local tax return
7 filing, vehicle registration, driver's license, social
8 relationship, and receipt of services.

9 475.522. This article provides the exclusive jurisdictional
10 basis for a court of this state to appoint a guardian or issue a
11 protective order for an adult.

12 475.523. A court of this state has jurisdiction to appoint
13 a guardian or issue a protective order for a respondent if:

14 (1) This state is the respondent's home state;

15 (2) On the date a petition is filed, this state is a
16 significant-connection state and:

17 (a) The respondent does not have a home state or a court of
18 the respondent's home state has declined to exercise jurisdiction
19 because this state is a more appropriate forum; or

20 (b) The respondent has a home state, a petition for an
21 appointment or order is not pending in a court of that state or
22 another significant-connection state, and, before the court makes
23 the appointment or issues the order:

24 a. A petition for an appointment or order is not filed in
25 the respondent's home state;

26 b. An objection to the court's jurisdiction is not filed by
27 a person required to be notified of the proceeding; and

28 c. The court in this state concludes that it is an

1 appropriate forum under the factors set forth in section 475.526;

2 (3) This state does not have jurisdiction under either
3 subdivisions (1) or (2) of this section, the respondent's home
4 state and all significant-connection states have declined to
5 exercise jurisdiction because this state is the more appropriate
6 forum, and jurisdiction in this state is consistent with the
7 constitutions of this state and the United States; or

8 (4) The requirements for special jurisdiction under section
9 475.524 are met.

10 475.524. 1. A court of this state lacking jurisdiction
11 under section 475.523 has special jurisdiction to do any of the
12 following:

13 (1) Appoint a guardian in an emergency for a term not
14 exceeding ninety days for a respondent who is physically present
15 in this state;

16 (2) Issue a protective order with respect to real or
17 tangible personal property located in this state;

18 (3) Appoint a guardian or conservator for an incapacitated
19 or protected person for whom a provisional order to transfer the
20 proceeding from another state has been issued under procedures
21 similar to section 475.531.

22 2. If a petition for the appointment of a guardian in an
23 emergency is brought in this state and this state was not the
24 respondent's home state on the date the petition was filed, the
25 court shall dismiss the proceeding at the request of the court of
26 the home state, if any, whether dismissal is requested before or
27 after the emergency appointment.

28 475.525. Except as otherwise provided in section 475.524, a

1 court that has appointed a guardian or issued a protective order
2 consistent with sections 475.501 to 475.555 has exclusive and
3 continuing jurisdiction over the proceeding until it is
4 terminated by the court or the appointment or order expires by
5 its own terms.

6 475.526. 1. A court of this state having jurisdiction
7 under section 475.523 to appoint a guardian or issue a protective
8 order may decline to exercise its jurisdiction if it determines
9 at any time that a court of another state is a more appropriate
10 forum.

11 2. If a court of this state declines to exercise its
12 jurisdiction under subsection 1 of this section, it shall either
13 dismiss or stay the proceeding. The court may impose any
14 condition the court considers just and proper, including the
15 condition that a petition for the appointment of a guardian or
16 protective order be promptly filed in another state.

17 3. In determining whether it is an appropriate forum, the
18 court shall consider all relevant factors, including:

19 (1) Any expressed preference of the respondent;

20 (2) Whether abuse, neglect, or exploitation of the
21 respondent has occurred or is likely to occur and which state
22 could best protect the respondent from the abuse, neglect, or
23 exploitation;

24 (3) The length of time the respondent was physically
25 present in or was a legal resident of this or another state;

26 (4) The distance of the respondent from the court in each
27 state;

28 (5) The financial circumstances of the respondent's estate;

1 (6) The nature and location of the evidence;

2 (7) The ability of the court in each state to decide the
3 issue expeditiously and the procedures necessary to present
4 evidence;

5 (8) The familiarity of the court of each state with the
6 facts and issues in the proceeding; and

7 (9) If an appointment were made, the court's ability to
8 monitor the conduct of the guardian or conservator.

9 475.527. 1. If at any time a court of this state
10 determines that it acquired jurisdiction to appoint a guardian or
11 issue a protective order because of unjustifiable conduct, the
12 court may:

13 (1) Decline to exercise jurisdiction;

14 (2) Exercise jurisdiction for the limited purpose of
15 fashioning an appropriate remedy to ensure the health, safety,
16 and welfare of the respondent or the protection of the
17 respondent's property or prevent a repetition of the
18 unjustifiable conduct, including staying the proceeding until a
19 petition for the appointment of a guardian or issuance of a
20 protective order is filed in a court of another state having
21 jurisdiction; or

22 (3) Continue to exercise jurisdiction after considering:

23 (a) The extent to which the respondent and all persons
24 required to be notified of the proceedings have acquiesced in the
25 exercise of the court's jurisdiction;

26 (b) Whether it is a more appropriate forum than the court
27 of any other state under the factors set forth in subsection 3 of
28 section 475.526; and

1 (c) Whether the court of any other state would have
2 jurisdiction under factual circumstances in substantial
3 conformity with the jurisdictional standards of section 475.523.

4 2. If a court of this state determines that it acquired
5 jurisdiction to appoint a guardian or issue a protective order
6 because a party seeking to invoke its jurisdiction engaged in
7 unjustifiable conduct, it may assess against that party necessary
8 and reasonable expenses, including attorney's fees, investigative
9 fees, court costs, communication expenses, witness fees and
10 expenses, and travel expenses. The court may not assess fees,
11 costs, or expenses of any kind against this state or a
12 governmental subdivision, agency, or instrumentality of this
13 state unless authorized by law other than sections 475.501 to
14 475.555.

15 475.528. If a petition for the appointment of a guardian or
16 issuance of a protective order is brought in this state and this
17 state was not the respondent's home state on the date the
18 petition was filed, in addition to complying with the notice
19 requirements of this state, notice of the petition shall be given
20 to those persons who would be entitled to notice of the petition
21 if a proceeding were brought in the respondent's home state. The
22 notice shall be given in the same manner as notice is required to
23 be given in this state.

24 475.529. Except for a petition for the appointment of a
25 guardian in an emergency or issuance of a protective order
26 limited to property located in this state as provided in
27 subdivision (1) or (2) of subsection 1 of section 475.524, if a
28 petition for the appointment of a guardian or issuance of a

1 protective order is filed in this and in another state and
2 neither petition has been dismissed or withdrawn, the following
3 rules apply:

4 (1) If the court in this state has jurisdiction under
5 section 475.523, it may proceed with the case unless a court in
6 another state acquires jurisdiction under provisions similar to
7 section 475.523 before the appointment or issuance of the order.

8 (2) If the court in this state does not have jurisdiction
9 under section 475.523, whether at the time the petition is filed
10 or at any time before the appointment or issuance of the order,
11 the court shall stay the proceeding and communicate with the
12 court in the other state. If the court in the other state has
13 jurisdiction, the court in this state shall dismiss the petition
14 unless the court in the other state determines that the court in
15 this state is a more appropriate forum.

16 ARTICLE 3

17 TRANSFER OF GUARDIANSHIP OR CONSERVATORSHIP

18 475.531. 1. A guardian or conservator appointed in this
19 state may petition the court to transfer the guardianship or
20 conservatorship to another state.

21 2. Notice of a petition under subsection 1 of this section
22 shall be given to those persons that would be entitled to notice
23 of a petition in this state for the appointment of a guardian or
24 conservator.

25 3. On the court's own motion or on request of the guardian
26 or conservator, the incapacitated or protected person, or other
27 person required to be notified of the petition, the court shall
28 hold a hearing on a petition filed pursuant to subsection 1 of

1 this section.

2 4. The court shall issue an order provisionally granting a
3 petition to transfer a guardianship and shall direct the guardian
4 to petition for guardianship in the other state if the court is
5 satisfied that the guardianship will be accepted by the court in
6 the other state and the court finds that:

7 (1) The incapacitated person is physically present in or is
8 reasonably expected to move permanently to the other state;

9 (2) An objection to the transfer has not been made or, if
10 an objection has been made, the objector has not established that
11 the transfer would be contrary to the interests of the
12 incapacitated person; and

13 (3) Plans for care and services for the incapacitated
14 person in the other state are reasonable and sufficient.

15 5. The court shall issue a provisional order granting a
16 petition to transfer a conservatorship and shall direct the
17 conservator to petition for conservatorship in the other state if
18 the court is satisfied that the conservatorship will be accepted
19 by the court of the other state and the court finds that:

20 (1) The protected person is physically present in or is
21 reasonably expected to move permanently to the other state, or
22 the protected person has a significant connection to the other
23 state considering the factors set forth in subsection 2 of
24 section 475.521;

25 (2) An objection to the transfer has not been made or, if
26 an objection has been made, the objector has not established that
27 the transfer would be contrary to the interests of the protected
28 person; and

1 (3) Adequate arrangements will be made for management of
2 the protected person's property.

3 6. The court shall issue a final order confirming the
4 transfer and terminating the guardianship or conservatorship upon
5 its receipt of:

6 (1) A provisional order accepting the proceeding from the
7 court to which the proceeding is to be transferred which is
8 issued under provisions similar to section 475.532; and

9 (2) The documents required to terminate a guardianship or
10 conservatorship in this state.

11 475.532. 1. To confirm transfer of a guardianship or
12 conservatorship transferred to this state under provisions
13 similar to those in section 475.531, the guardian or conservator
14 shall petition the court in this state to accept the guardianship
15 or conservatorship. The petition shall include a certified copy
16 of the other state's provisional order of transfer.

17 2. Notice of a petition under subsection 1 of this section
18 shall be given to those persons that would be entitled to notice
19 if the petition were a petition for the appointment of a guardian
20 or issuance of a protective order in both the transferring state
21 and this state. The notice shall be given in the same manner as
22 notice is required to be given in this state.

23 3. On the court's own motion or on request of the guardian
24 or conservator, the incapacitated or protected person, or other
25 person required to be notified of the proceeding, the court shall
26 hold a hearing on a petition filed pursuant to subsection 1 of
27 this section.

28 4. The court shall issue an order provisionally granting a

petition filed under subsection 1 of this section unless:

(1) An objection is made and the objector establishes that transfer of the proceeding would be contrary to the interests of the incapacitated or protected person; or

(2) The guardian or conservator is ineligible for appointment in this state.

5. The court shall issue a final order accepting the proceeding and appointing the guardian or conservator as guardian or conservator in this state upon its receipt from the court from which the proceeding is being transferred of a final order issued under provisions similar to section 475.531 transferring the proceeding to this state.

6. Not later than ninety days after issuance of a final order accepting transfer of a guardianship or conservatorship, the court shall determine whether the guardianship or conservatorship needs to be modified to conform to the law of this state.

7. In granting a petition under this section, the court shall recognize a guardianship or conservatorship order from the other state, including the determination of the incapacitated or protected person's incapacity and the appointment of the guardian or conservator.

8. The denial by a court of this state of a petition to accept guardianship or conservatorship transferred from another state does not affect the ability of the guardian or conservator to seek appointment as guardian or conservator in this state under this chapter if the court has jurisdiction to make an appointment other than by reason of the provisional order of

1 transfer.

2 ARTICLE 4

3 REGISTRATION AND RECOGNITION OF ORDERS FROM OTHER STATES

4 475.541. If a guardian has been appointed in another state
5 and a petition for the appointment of a guardian is not pending
6 in this state, the guardian appointed in the other state, after
7 giving notice to the appointing court of an intent to register,
8 may register the guardianship order in this state by filing as a
9 foreign judgment in a court, in any appropriate county of this
10 state, certified copies of the order and letters of office.

11 475.542. If a conservator has been appointed in another
12 state and a petition for a protective order is not pending in
13 this state, the conservator appointed in the other state, after
14 giving notice to the appointing court of an intent to register,
15 may register the protective order in this state by filing as a
16 foreign judgment in a court of this state, in any county in which
17 property belonging to the protected person is located, certified
18 copies of the order and letters of office and of any bond.

19 475.543. 1. Upon registration of a guardianship or
20 protective order from another state, the guardian or conservator
21 may exercise in this state all powers authorized in the order of
22 appointment except as prohibited under the laws of this state,
23 including maintaining actions and proceedings in this state and,
24 if the guardian or conservator is not a resident of this state,
25 subject to any conditions imposed upon nonresident parties.

26 2. A court of this state may grant any relief available
27 under sections 475.501 to 475.555 and other law of this state to
28 enforce a registered order.

1 475.544. Except where inconsistent with sections 475.541,
2 475.542, and 475.543, the laws of this state relating to the
3 registration and recognition of the acts of a foreign guardian,
4 curator, or conservator contained in sections 475.335 to 475.340
5 shall be applicable.

6 ARTICLE 5

7 MISCELLANEOUS PROVISIONS

8 475.551. In applying and construing this uniform act,
9 consideration shall be given to the need to promote uniformity of
10 the law with respect to its subject matter among states that
11 enact it.

12 475.552. Sections 475.501 to 475.555 modify, limit, and
13 supersede the federal Electronic Signatures in Global and
14 National Commerce Act, 15 U.S.C. Section 7001, et seq., but does
15 not modify, limit, or supersede Section 101(c) of that act, 15
16 U.S.C. Section 7001(c), or authorize electronic delivery of any
17 of the notices described in Section 103(b) of that act, 15 U.S.C.
18 Section 7003(b).

19 475.555. 1. Sections 475.501 to 475.555 apply to
20 guardianship and protective proceedings begun on or after August
21 28, 2011.

22 2. Articles 1, 3, 4, and sections 475.551 and 475.552 apply
23 to proceedings begun before August 28, 2011, regardless of
24 whether a guardianship or protective order has been issued.

25 477.650. 1. There is hereby created in the state treasury
26 the "Basic Civil Legal Services Fund", to be administered by, or
27 under the direction of, the Missouri supreme court. All moneys
28 collected under section 488.031 shall be credited to the fund.

1 In addition to the court filing surcharges, funds from other
2 public or private sources also may be deposited into the fund and
3 all earnings of the fund shall be credited to the fund. The
4 purpose of this section is to increase the funding available for
5 basic civil legal services to eligible low-income persons as such
6 persons are defined by the Federal Legal Services Corporation's
7 Income Eligibility Guidelines.

8 2. Funds in the basic civil legal services fund shall be
9 allocated annually and expended to provide legal representation
10 to eligible low-income persons in the state in civil matters.
11 Moneys, funds, or payments paid to the credit of the basic civil
12 legal services fund shall, at least as often as annually, be
13 distributed to the legal services organizations in this state
14 which qualify for Federal Legal Services Corporation funding.
15 The funds so distributed shall be used by legal services
16 organizations in this state solely to provide legal services to
17 eligible low-income persons as such persons are defined by the
18 Federal Legal Services Corporation's Income Eligibility
19 Guidelines. Fund money shall be subject to all restrictions
20 imposed on such legal services organizations by law. Funds shall
21 be allocated to the programs according to the funding formula
22 employed by the Federal Legal Services Corporation for the
23 distribution of funds to this state. Notwithstanding the
24 provisions of section 33.080, any balance remaining in the basic
25 civil legal services fund at the end of any year shall not be
26 transferred to the state's general revenue fund. Moneys in the
27 basic civil legal services fund shall not be used to pay any
28 portion of a refund mandated by article X, section 15 of the

1 Missouri Constitution. State legal services programs shall
2 represent individuals to secure lawful state benefits, but shall
3 not sue the state, its agencies, or its officials, with any state
4 funds.

5 3. Contracts for services with state legal services
6 programs shall provide eligible low-income Missouri citizens with
7 equal access to the civil justice system, with a high priority on
8 families and children, domestic violence, the elderly, and
9 qualification for benefits under the Social Security Act. State
10 legal services programs shall abide by all restrictions,
11 requirements, and regulations of the Legal Services Corporation
12 regarding their cases.

13 4. The Missouri supreme court, or a person or organization
14 designated by the court, is the administrator and shall
15 administer the fund in such manner as determined by the Missouri
16 supreme court, including in accordance with any rules and
17 policies adopted by the Missouri supreme court for such purpose.
18 Moneys from the fund shall be used to pay for the collection of
19 the fee and the implementation and administration of the fund.

20 5. Each recipient of funds from the basic civil legal
21 services fund shall maintain appropriate records accounting for
22 the receipt and expenditure of all funds distributed and received
23 pursuant to this section. These records must be maintained for a
24 period of five years from the close of the fiscal year in which
25 such funds are distributed or received or until audited,
26 whichever is sooner. All funds distributed or received pursuant
27 to this section are subject to audit by the Missouri supreme
28 court or the state auditor.

1 6. The Missouri supreme court, or a person or organization
2 designated by the court, shall, by January thirty-first of each
3 year, report to the general assembly on the moneys collected and
4 disbursed pursuant to this section and section 488.031 by
5 judicial circuit.

6 7. The provisions of this section shall expire on December
7 31, [2012] 2018.

8 484.350. Recognizing that Missouri children have a right to
9 adequate and effective representation in child welfare cases, the
10 September 17, 1996, Missouri supreme court standards for
11 representation by guardians ad litem shall be updated and adopted
12 statewide and each circuit shall devise a plan for implementation
13 which takes into account the individual needs of their circuit as
14 well as the negative impact that excessive caseloads have upon
15 effectiveness of counsel. These plans shall be approved by the
16 supreme court en banc and fully implemented by July 1, 2011.

17 523.040. 1. The court, or judge thereof in vacation, on
18 being satisfied that due notice of the pendency of the petition
19 has been given, shall appoint three disinterested commissioners,
20 who shall be residents of the county in which the real estate or
21 a part thereof is situated, and in any city not within a county,
22 any county with a charter form of government and with more than
23 one million inhabitants, or any county with a charter form of
24 government and with more than six hundred thousand but fewer than
25 seven hundred thousand inhabitants at least one of the
26 commissioners shall be either a licensed real estate broker or a
27 state-licensed or state-certified real estate appraiser, to
28 assess the damages which the owners may severally sustain by

1 reason of such appropriation, who, within forty-five days after
2 appointment by the court, which forty-five days may be extended
3 by the court to a date certain with good cause shown, after
4 applying the definition of fair market value contained in
5 subdivision (1) of section 523.001, and after having viewed the
6 property, shall return to the clerk of such court, under oath,
7 their report in duplicate of such assessment of damages, setting
8 forth the amount of damages allowed to the person or persons
9 named as owning or claiming the tract of land condemned, and
10 should more than one tract be condemned in the petition, then the
11 damages allowed to the owner, owners, claimant or claimants of
12 each tract, respectively, shall be stated separately, together
13 with a specific description of the tracts for which such damages
14 are assessed; and the clerk shall file one copy of said report in
15 his office and record the same in the order book of the court,
16 and he shall deliver the other copy, duly certified by him, to
17 the recorder of deeds of the county where the land lies (or to
18 the recorder of deeds of the city of St. Louis, if the land lies
19 in said city) who shall record the same in his office, and index
20 each tract separately as provided in section 59.440, and the fee
21 for so recording shall be taxed by the clerk as costs in the
22 proceedings; and thereupon such company shall pay to the clerk
23 the amount thus assessed for the party in whose favor such
24 damages have been assessed; and on making such payment it shall
25 be lawful for such company to hold the interest in the property
26 so appropriated for the uses prescribed in this section; and upon
27 failure to pay the assessment, the court may, upon motion and
28 notice by the party entitled to such damages, enforce the payment

1 of the same by execution, unless the said company shall, within
2 ten days from the return of such assessment, elect to abandon the
3 proposed appropriation of any parcel of land, by an instrument in
4 writing to that effect, to be filed with the clerk of the court,
5 and entered on the minutes of the court, and as to so much as is
6 thus abandoned, the assessment of damages shall be void.

7 2. Prior to the issuance of any report under subsection 1
8 of this section, a commissioner shall notify all parties named in
9 the condemnation petition no less than ten days prior to the
10 commissioners' viewing of the property of the named parties'
11 opportunity to accompany the commissioners on the commissioners'
12 viewing of the property and of the named parties' opportunity to
13 present information to the commissioners.

14 3. The commissioners shall view the property, hear
15 arguments, and review other relevant information that may be
16 offered by the parties.

17 544.455. 1. Any person charged with a bailable offense, at
18 his or her appearance before an associate circuit judge or judge
19 may be ordered released pending trial, appeal, or other stage of
20 the proceedings against him on his personal recognizance, unless
21 the associate circuit judge or judge determines, in the exercise
22 of his discretion, that such a release will not reasonably assure
23 the appearance of the person as required. When such a
24 determination is made, the associate circuit judge or judge may
25 either in lieu of or in addition to the above methods of release,
26 impose any or any combination of the following conditions of
27 release which will reasonably assure the appearance of the person
28 for trial:

1 (1) Place the person in the custody of a designated person
2 or organization agreeing to supervise him;

3 (2) Place restriction on the travel, association, or place
4 of abode of the person during the period of release;

5 (3) Require the execution of a bail bond with sufficient
6 solvent sureties, or the deposit of cash in lieu thereof;

7 (4) Require the person to report regularly to some officer
8 of the court, or peace officer, in such manner as the associate
9 circuit judge or judge directs;

10 (5) Require the execution of a bond in a given sum and the
11 deposit in the registry of the court of ten percent, or such
12 lesser percent as the judge directs, of the sum in cash or
13 negotiable bonds of the United States or of the state of Missouri
14 or any political subdivision thereof;

15 (6) Place the person on house arrest with electronic
16 monitoring, except that all costs associated with the electronic
17 monitoring shall be charged to the person on house arrest. If
18 the judge finds the person unable to afford the costs associated
19 with electronic monitoring, then the judge shall not order that
20 the person be placed on house arrest with electronic monitoring;

21 _____(7) Impose any other condition deemed reasonably necessary
22 to assure appearance as required, including a condition requiring
23 that the person return to custody after specified hours.

24 2. In determining which conditions of release will
25 reasonably assure appearance, the associate circuit judge or
26 judge shall, on the basis of available information, take into
27 account the nature and circumstances of the offense charged, the
28 weight of the evidence against the accused, the accused's family

1 ties, employment, financial resources, character and mental
2 condition, the length of his residence in the community, his
3 record of convictions, and his record of appearance at court
4 proceedings or flight to avoid prosecution or failure to appear
5 at court proceedings.

6 3. An associate circuit judge or judge authorizing the
7 release of a person under this section shall issue an appropriate
8 order containing a statement of the conditions imposed, if any,
9 shall inform such person of the penalties applicable to
10 violations of the conditions of his release and shall advise him
11 that a warrant for his arrest will be issued immediately upon any
12 such violation.

13 4. A person for whom conditions of release are imposed and
14 who after twenty-four hours from the time of the release hearing
15 continues to be detained as a result of his inability to meet the
16 conditions of release, shall, upon application, be entitled to
17 have the condition reviewed by the associate circuit judge or
18 judge who imposed them. The motion shall be determined promptly.

19 5. An associate circuit judge or judge ordering the release
20 of a person on any condition specified in this section may at any
21 time amend his order to impose additional or different conditions
22 of release; except that, if the imposition of such additional or
23 different conditions results in the detention of the person as a
24 result of his inability to meet such conditions or in the release
25 of the person on a condition requiring him to return to custody
26 after specified hours, the provisions of subsection 4 shall
27 apply.

1 6. Information stated in, or offered in connection with,
2 any order entered pursuant to this section need not conform to
3 the rules pertaining to the admissibility of evidence in a court
4 of law.

5 7. Nothing contained in this section shall be construed to
6 prevent the disposition of any case or class of cases by
7 forfeiture of collateral security where such disposition is
8 authorized by the court.

9 8. Persons charged with violations of municipal ordinances
10 may be released by a municipal judge or other judge who hears and
11 determines municipal ordinance violation cases of the
12 municipality involved under the same conditions and in the same
13 manner as provided in this section for release by an associate
14 circuit judge.

15 9. A circuit court may adopt a local rule authorizing the
16 pretrial release on electronic monitoring pursuant to subdivision
17 (6) of subsection 1 of this section in lieu of incarceration of
18 individuals charged with offenses specifically identified
19 therein.

20 544.470. 1. If the offense is not bailable, if the
21 individual is not granted electronic monitoring, or if the
22 [person] individual does not meet the conditions for release, as
23 provided in section 544.455, the [prisoner] individual shall be
24 committed to the jail of the county in which the same is to be
25 tried, there to remain until [he] such individual be discharged
26 by due course of law.

27 2. There shall be a presumption that releasing the person
28 under any conditions as provided by section 544.455 shall not

1 reasonably assure the appearance of the person as required if the
2 circuit judge or associate circuit judge reasonably believes that
3 the person is an alien unlawfully present in the United States.
4 If such presumption exists, the person shall be committed to the
5 jail, as provided in subsection 1 of this section, until such
6 person provides verification of his or her lawful presence in the
7 United States to rebut such presumption. If the person
8 adequately proves his or her lawful presence, the circuit judge
9 or associate circuit judge shall review the issue of release, as
10 provided under section 544.455, without regard to previous issues
11 concerning whether the person is lawfully present in the United
12 States. If the person cannot prove his or her lawful presence,
13 the person shall continue to be committed to the jail and remain
14 until discharged by due course of law.

15 557.011. 1. Every person found guilty of an offense shall
16 be dealt with by the court in accordance with the provisions of
17 this chapter, except that for offenses defined outside this code
18 and not repealed, the term of imprisonment or the fine that may
19 be imposed is that provided in the statute defining the offense;
20 however, the conditional release term of any sentence of a term
21 of years shall be determined as provided in subsection 4 of
22 section 558.011.

23 2. Whenever any person has been found guilty of a felony or
24 a misdemeanor the court shall make one or more of the following
25 dispositions of the offender in any appropriate combination. The
26 court may:

27 (1) Sentence the person to a term of imprisonment as
28 authorized by chapter 558;

1 (2) Sentence the person to pay a fine as authorized by
2 chapter 560;

3 (3) Suspend the imposition of sentence, with or without
4 placing the person on probation;

5 (4) Pronounce sentence and suspend its execution, placing
6 the person on probation;

7 (5) Impose a period of detention as a condition of
8 probation, as authorized by section 559.026.

9 3. Whenever any person has been found guilty of an
10 infraction, the court shall make one or more of the following
11 dispositions of the offender in any appropriate combination. The
12 court may:

13 (1) Sentence the person to pay a fine as authorized by
14 chapter 560;

15 (2) Suspend the imposition of sentence, with or without
16 placing the person on probation;

17 (3) Pronounce sentence and suspend its execution, placing
18 the person on probation.

19 4. Whenever any organization has been found guilty of an
20 offense, the court shall make one or more of the following
21 dispositions of the organization in any appropriate combination.
22 The court may:

23 (1) Sentence the organization to pay a fine as authorized
24 by chapter 560;

25 (2) Suspend the imposition of sentence, with or without
26 placing the organization on probation;

27 (3) Pronounce sentence and suspend its execution, placing
28 the organization on probation;

1 (4) Impose any special sentence or sanction authorized by
2 law.

3 5. This chapter shall not be construed to deprive the court
4 of any authority conferred by law to decree a forfeiture of
5 property, suspend or cancel a license, remove a person from
6 office, or impose any other civil penalty. An appropriate order
7 exercising such authority may be included as part of any
8 sentence.

9 6. In the event a sentence of confinement is ordered
10 executed, a court may order that an individual serve all or any
11 portion of such sentence on electronic monitoring, except that
12 all costs associated with the electronic monitoring shall be
13 charged to the person on house arrest. If the judge finds the
14 person unable to afford the costs associated with electronic
15 monitoring, then the judge shall not order that the person be
16 placed on house arrest with electronic monitoring.

17 566.086. 1. A person commits the crime of sexual contact
18 with a student [while on public school property] if he or she has
19 sexual contact with a student of the public school [while on any
20 public school property] and is:

21 (1) A teacher, as that term is defined in subdivisions (4),
22 (5), and (7) of section 168.104;

23 (2) A student teacher;

24 (3) An employee of the school;

25 (4) A volunteer of the school or of an organization working
26 with the school on a project or program who is not a student at
27 the public school; [or]

1 (5) An elected or appointed official of the public school
2 district; or

3 (6) A person employed by an entity that contracts with the
4 public school district to provide services.

5 2. [For the purposes of this section, "public school
6 property" shall mean property of any public school in this state
7 serving kindergarten through grade twelve or any school bus used
8 by the public school district.

9 3.] Sexual contact with a student [while on public school
10 property] is a class D felony.

11 566.147. 1. Any person who, since July 1, 1979, has been
12 or hereafter has pleaded guilty or nolo contendere to, or been
13 convicted of, or been found guilty of:

14 (1) Violating any of the provisions of this chapter or the
15 provisions of subsection 2 of section 568.020, incest; section
16 568.045, endangering the welfare of a child in the first degree;
17 subsection 2 of section 568.080, use of a child in a sexual
18 performance; section 568.090, promoting a sexual performance by a
19 child; section 573.023, sexual exploitation of a minor; section
20 573.025, promoting child pornography in the first degree; section
21 573.035, promoting child pornography in the second degree;
22 section 573.037, possession of child pornography, or section
23 573.040, furnishing pornographic material to minors; or

24 (2) Any offense in any other state or foreign country, or
25 under federal, tribal, or military jurisdiction which, if
26 committed in this state, would be a violation listed in this
27 section;

1 shall not reside within one thousand feet of any public school as
2 defined in section 160.011, [or] any private school giving
3 instruction in a grade or grades not higher than the twelfth
4 grade, [or] any child-care facility [as defined in section
5 210.201, which] that is licensed under chapter 210, or any child-
6 care facility as defined in section 210.201 that is exempt from
7 state licensure but subject to state regulation under section
8 210.252 and holds itself out to be a child-care facility, where
9 the school or facility is in existence at the time the individual
10 begins to reside at the location.

11 2. If such person has already established a residence and a
12 public school, a private school, or child-care facility is
13 subsequently built or placed within one thousand feet of such
14 person's residence, then such person shall, within one week of
15 the opening of such public school, private school, or child-care
16 facility, notify the county sheriff where such public school,
17 private school, or child-care facility is located that he or she
18 is now residing within one thousand feet of such public school,
19 private school, or child-care facility and shall provide
20 verifiable proof to the sheriff that he or she resided there
21 prior to the opening of such public school, private school, or
22 child-care facility.

23 3. For purposes of this section, "resides" means sleeps in
24 a residence, which may include more than one location and may be
25 mobile or transitory.

26 4. Violation of the provisions of subsection 1 of this
27 section is a class D felony except that the second or any
28 subsequent violation is a class B felony. Violation of the

1 provisions of subsection 2 of this section is a class A
2 misdemeanor except that the second or subsequent violation is a
3 class D felony.

4 568.040. 1. A person commits the crime of nonsupport if
5 such person knowingly fails to provide[, without good cause,]
6 adequate support for his or her spouse; a parent commits the
7 crime of nonsupport if such parent knowingly fails to provide[,
8 without good cause,] adequate support which such parent is
9 legally obligated to provide for his or her child or stepchild
10 who is not otherwise emancipated by operation of law.

11 2. For purposes of this section:

12 (1) "Child" means any biological or adoptive child, or any
13 child whose paternity has been established under chapter 454, or
14 chapter 210, or any child whose relationship to the defendant has
15 been determined, by a court of law in a proceeding for
16 dissolution or legal separation, to be that of child to parent;

17 (2) "Good cause" means any substantial reason why the
18 defendant is unable to provide adequate support. Good cause does
19 not exist if the defendant purposely maintains his inability to
20 support;

21 (3) "Support" means food, clothing, lodging, and medical or
22 surgical attention;

23 (4) It shall not constitute a failure to provide medical
24 and surgical attention, if nonmedical remedial treatment
25 recognized and permitted under the laws of this state is
26 provided.

27 3. Inability to provide support for good cause shall be an
28 affirmative defense under this section. A person who raises such

1 affirmative defense has the burden of proving the defense by a
2 preponderance of the evidence.

3 4. The defendant shall have the burden of injecting the
4 issues raised by [subdivisions (2) and] subdivision (4) of
5 subsection 2 [and subsection 3] of this section.

6 5. Criminal nonsupport is a class A misdemeanor, unless the
7 total arrearage is in excess of an aggregate of twelve monthly
8 payments due under any order of support issued by any court of
9 competent jurisdiction or any authorized administrative agency,
10 in which case it is a class D felony.

11 6. If at any time a defendant convicted of criminal
12 nonsupport is placed on probation or parole, there may be ordered
13 as a condition of probation or parole that the defendant commence
14 payment of current support as well as satisfy the arrearages.
15 Arrearages may be satisfied first by making such lump sum payment
16 as the defendant is capable of paying, if any, as may be shown
17 after examination of defendant's financial resources or assets,
18 both real, personal, and mixed, and second by making periodic
19 payments. Periodic payments toward satisfaction of arrears when
20 added to current payments due may be in such aggregate sums as is
21 not greater than fifty percent of the defendant's adjusted gross
22 income after deduction of payroll taxes, medical insurance that
23 also covers a dependent spouse or children, and any other court
24 or administrative ordered support, only. If the defendant fails
25 to pay the current support and arrearages as ordered, the court
26 may revoke probation or parole and then impose an appropriate
27 sentence within the range for the class of offense that the
28 defendant was convicted of as provided by law, unless the

1 defendant proves good cause for the failure to pay as required
2 under subsection 3 of this section.

3 7. During any period that a nonviolent defendant is
4 incarcerated for criminal nonsupport, if the defendant is ready,
5 willing, and able to be gainfully employed during said period of
6 incarceration, the defendant, if he or she meets the criteria
7 established by the department of corrections, may be placed on
8 work release to allow the defendant to satisfy defendant's
9 obligation to pay support. Arrearages shall be satisfied as
10 outlined in the collection agreement.

11 8. Beginning August 28, 2009, every nonviolent first- and
12 second-time offender then incarcerated for criminal nonsupport,
13 who has not been previously placed on probation or parole for
14 conviction of criminal nonsupport, may be considered for parole,
15 under the conditions set forth in subsection 6 of this section,
16 or work release, under the conditions set forth in subsection 7
17 of this section.

18 9. Beginning January 1, 1991, every prosecuting attorney in
19 any county which has entered into a cooperative agreement with
20 the [division of] child support enforcement service of the family
21 support division of the department of social services shall
22 report to the division on a quarterly basis the number of charges
23 filed and the number of convictions obtained under this section
24 by the prosecuting attorney's office on all IV-D cases. The
25 division shall consolidate the reported information into a
26 statewide report by county and make the report available to the
27 general public.

1 10. Persons accused of committing the offense of nonsupport
2 of the child shall be prosecuted:

3 (1) In any county in which the child resided during the
4 period of time for which the defendant is charged; or

5 (2) In any county in which the defendant resided during the
6 period of time for which the defendant is charged.

7 570.080. 1. A person commits the crime of receiving stolen
8 property if for the purpose of depriving the owner of a lawful
9 interest therein, he or she receives, retains or disposes of
10 property of another knowing that it has been stolen, or believing
11 that it has been stolen.

12 2. Evidence of the following is admissible in any criminal
13 prosecution pursuant to this section to prove the requisite
14 knowledge or belief of the alleged receiver:

15 (1) That he or she was found in possession or control of
16 other property stolen on separate occasions from two or more
17 persons;

18 (2) That he or she received other stolen property in
19 another transaction within the year preceding the transaction
20 charged;

21 (3) That he or she acquired the stolen property for a
22 consideration which he or she knew was far below its reasonable
23 value;

24 (4) That he or she obtained control over stolen property
25 knowing the property to have been stolen or under such
26 circumstances as would reasonably induce a person to believe the
27 property was stolen.

1 3. [Receiving stolen property is a class A misdemeanor
2 unless the property involved has a value of five hundred dollars
3 or more, or the person receiving the property is a dealer in
4 goods of the type in question, or the property involved is an
5 explosive weapon as that term is defined in section 571.010, in
6 which cases receiving stolen property is a class C felony] Except
7 as otherwise provided in subsections 4 and 5 of this section,
8 receiving stolen property is a class A misdemeanor.

9 4. Receiving stolen property is a class C felony if:

10 (1) The value of the property or services appropriated is
11 five hundred dollars or more but less than twenty-five thousand
12 dollars;

13 (2) The property has been physically taken from the person
14 of the victim; or

15 (3) The property appropriated includes:

16 (a) Any motor vehicle, watercraft, or aircraft;

17 (b) Any will or unrecorded deed affecting real property;

18 (c) Any credit card or letter of credit;

19 (d) Any firearm;

20 (e) Any explosive weapon as that term is defined in section
21 571.010;

22 (f) A United States national flag designed, intended, and
23 used for display on buildings or stationary flagstaffs in the
24 open;

25 (g) Any original copy of an act, bill, or resolution,
26 introduced or acted upon by the legislature of the state of
27 Missouri;

1 (h) Any pleading, notice, judgment, or any other record or
2 entry of any court of this state, any other state, or of the
3 United States;

4 (i) Any book of registration or list of voters required by
5 chapter 115;

6 (j) Any animal considered livestock as that term is defined
7 in section 144.010;

8 (k) Any live fish raised for commercial sale with a value
9 of seventy-five dollars or more;

10 (l) Any captive wildlife held under permit issued by the
11 conservation commission;

12 (m) Any controlled substance as that term is defined in
13 section 195.010;

14 (n) Anhydrous ammonia;

15 (o) Ammonium nitrate; or

16 (p) Any document of historical significance which has a
17 fair market value of five hundred dollars or more.

18 5. The receipt of any item of property or services pursuant
19 to subsection 4 of this section which exceeds five hundred
20 dollars may be considered a separate felony and may be charged in
21 separate counts.

22 6. Any person who previously has been found guilty of, or
23 pled guilty to, receiving stolen property, when the property is
24 of the kind described under paragraph (j) or (l) of subdivision
25 (3) of subsection 4 of this section and the value of the animal
26 or animals received exceeds three thousand dollars, is guilty of
27 a class B felony. Such person shall serve a minimum prison term
28 of not less than eighty percent of his or her sentence before

1 being eligible for probation, parole, conditional release, or
2 other early release by the department of corrections.

3 7. Receiving stolen property is a class B felony if the
4 value of the property or services equals or exceeds twenty-five
5 thousand dollars.

6 578.150. 1. A person commits the crime of [failing to
7 return] stealing leased or rented property if, with the intent to
8 deprive the owner thereof, [he] such person:

9 (1) Purposefully fails to return leased or rented personal
10 property to the place and within the time specified in an
11 agreement in writing providing for the leasing or renting of such
12 personal property[. In addition, any person who has leased or
13 rented personal property of another who];

14 (2) Conceals or aids or abets the concealment of the
15 property from the owner[, or who otherwise];

16 (3) Sells, encumbers, conveys, pawns, loans, abandons or
17 gives away the leased or rented property [is guilty of the crime
18 of failing to return leased or rented property] or any part
19 thereof, without the written consent of the lessor, or without
20 informing the person to whom the property is transferred to that
21 the property is subject to a lease;

22 (4) Returns the property to the lessor at the end of the
23 lease term, plus any agreed upon extensions, but does not pay the
24 lease charges agreed upon in the written instrument, with the
25 intent to wrongfully deprive the lessor of the agreed upon
26 charges.

27 2. The provisions of this section shall apply to all forms
28 of leasing and rental agreements, including, but not limited to,

1 contracts which provide the consumer options to buy the leased or
2 rented personal property, lease-purchase agreements and
3 rent-to-own contracts. For the purpose of determining if a
4 violation of this section has occurred, leasing contracts which
5 provide options to buy the merchandise are owned by the owner of
6 the property until such time as the owner endorses the sale and
7 transfer of ownership of the leased property to the lessee.

8 [2. It shall be prima facie evidence of the crime of
9 failing to return leased or rented property when a person who has
10 leased or rented personal property of another willfully fails to
11 return or make arrangements acceptable with the lessor to return
12 the personal property to its owner at the owner's place of
13 business within ten days after proper notice following the
14 expiration of the lease or rental agreement]

15 3. Evidence that a
16 lessee used a false, fictitious, or not current name, address, or
17 place of employment in obtaining the property or that a lessee
18 fails or refuses to return the property or pay the lease charges
19 to the lessor within seven days after written demand for the
20 return has been sent by certified mail, return receipt requested,
21 to the address the person set forth in the lease agreement, or in
22 the absence of the address, to the person's last known place of
23 residence, shall be evidence of intent to violate the provisions
24 of this section, except that if [the] a motor vehicle has not
25 been returned within seventy-two hours after the expiration of
26 the lease or rental agreement, such failure to return the motor
27 vehicle shall be prima facie evidence of the intent of the crime
28 of [failing to return] stealing leased or rented property. Where
the leased or rented property is a motor vehicle, if the motor

1 vehicle has not been returned within seventy-two hours after the
2 expiration of the lease or rental agreement, the lessor may
3 notify the local law enforcement agency of the failure of the
4 lessee to return such motor vehicle, and the local law
5 enforcement agency shall cause such motor vehicle to be put into
6 any appropriate state and local computer system listing stolen
7 motor vehicles. Any law enforcement officer which stops such a
8 motor vehicle may seize the motor vehicle and notify the lessor
9 that he may recover such motor vehicle after it is photographed
10 and its vehicle identification number is recorded for evidentiary
11 purposes. Where the leased or rented property is not a motor
12 vehicle, if such property has not been returned within the
13 **[ten-day]** seven-day period prescribed in this subsection, the
14 owner of the property shall report the failure to return the
15 property to the local law enforcement agency, and such law
16 enforcement agency may within five days notify the person who
17 leased or rented the property that such person is in violation of
18 this section, and that failure to immediately return the property
19 may subject such person to arrest for the violation.

20 **[3.]** 4. This section shall not apply if such personal
21 property is a vehicle and such return is made more difficult or
22 expensive by a defect in such vehicle which renders such vehicle
23 inoperable, if the lessee shall notify the lessor of the location
24 of such vehicle and such defect before the expiration of the
25 lease or rental agreement, or within ten days after proper
26 notice.

27 **[4.** Proper notice by the lessor shall consist of a written
28 demand addressed and mailed by certified or registered mail to

1 the lessee at the address given at the time of making the lease
2 or rental agreement. The notice shall contain a statement that
3 the failure to return the property may subject the lessee to
4 criminal prosecution.]

5 5. Any person who has leased or rented personal property of
6 another who destroys such property so as to avoid returning it to
7 the owner shall be guilty of property damage pursuant to section
8 569.100 or 569.120, in addition to being in violation of this
9 section.

10 6. Venue shall lie in the county where the personal
11 property was originally rented or leased.

12 7. [Failure to return] Stealing leased or rented property
13 is a class A misdemeanor unless the property involved has a value
14 of [five hundred] one thousand dollars or more, in which case
15 [failing to return] stealing leased or rented property is a class
16 C felony.

17 589.040. 1. The director of the department of corrections
18 shall develop a program of treatment, education and
19 rehabilitation for all imprisoned offenders who are serving
20 sentences for sexual assault offenses. When developing such
21 programs, the ultimate goal shall be the prevention of future
22 sexual assaults by the participants in such programs, and the
23 director shall utilize those concepts, services, programs,
24 projects, facilities and other resources designed to achieve this
25 goal.

26 2. All persons imprisoned by the department of corrections
27 for sexual assault offenses shall be required to successfully
28 complete the programs developed pursuant to subsection 1 of this

1 section prior to being eligible for parole or conditional
2 release.

3 632.312. Notwithstanding the provisions of section 105.452
4 to the contrary, a sheriff may receive reimbursement for the
5 actual costs of transporting a person to and from a mental health
6 facility pursuant to chapter 632 from a public or private
7 hospital, not-for-profit charitable organization, the state, or a
8 political subdivision. Reimbursement from the state for actual
9 costs, except for allowable mileage expenses, shall be subject to
10 appropriations.

11 Section B. Because of the need to adequately fund hospital
12 districts in the state, the repeal and reenactment of section
13 144.032 and the enactment of section 205.205 of section A of this
14 act is deemed necessary for the immediate preservation of the
15 public health, welfare, peace and safety, and is hereby declared
16 to be an emergency act within the meaning of the constitution,
17 and the repeal and reenactment of section 144.032 and the
18 enactment of section 205.205 of section A of this act shall be in
19 full force and effect upon its passage and approval.